

Dear Senators HEIDER, Nuxoll, Bock, and
Representatives RAYBOULD, Eskridge, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - Board of Drinking Water and Wastewater Professionals:
IDAPA 24.05.01 - Rules of the Board of Drinking Water & Wastewater Professionals (Fee Rule)
(Docket No. 24-0501-1302).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10/16/2013. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/13/2013.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Environment, Energy & Technology Committee

FROM: Principal Legislative Research Analyst - Katharine Gerrity

DATE: September 26, 2013

SUBJECT: Bureau of Occupational Licenses - Board of Drinking Water and Wastewater Professionals

IDAPA 24.05.01 - Rules of the Board of Drinking Water & Wastewater Professionals (Fee Rule) (Docket No. 24-0501-1302)

The Bureau of Occupational Licenses submits notice of proposed rule at IDAPA 24.05.01 - Rules of the Board of Drinking Water & Wastewater Professionals. This is a fee rule. According to the bureau, the board is reducing its fees in an effort to reduce its dedicated fund balance and to convey a benefit to licensees and applicants. The bureau notes that the board is adding language to its exam fee section to equalize the fee for on-line and written exams in order to provide flexibility in processing exams. In addition, the bureau notes that the education qualification for very small water and very small wastewater system licenses is being amended to allow more training opportunities for the applicants.

The bureau states that the fee section changes will result in an annual reduction of approximately \$19,280 in the board's dedicated fund, based on the current number of licensed operators and the number of applications received last year. The bureau indicates that negotiated rulemaking was not conducted due to the simple nature of the changes, the fact that the changes benefit licensees and applicants and the fact that they were discussed in open, noticed meetings. The board and bureau do not anticipate any opposition. The rule appears to be authorized pursuant to Section 54-2406, Idaho Code.

cc: Bureau of Occupational Licenses - Board of Drinking Water and Wastewater Professionals
Tana Cory
Cherie Simpson

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.05.01 - RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

DOCKET NO. 24-0501-1302 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2406, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board is reducing its fees in an effort to reduce its dedicated fund balance and to convey a benefit to licensees and applicants. The Board is adding language to its exam fee section to equalize the fee for on-line and written exams in order to provide flexibility in processing exams. The education qualification for very small water and very small wastewater system licenses is being amended to allow more training opportunities for the applicants.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Rule 200 is being amended to provide that the examination fees shall not be greater than those charged by the examination provider and to reduce the endorsement fee, original license fee, and annual renewal fee from \$35 to \$30.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The fee section changes will result in an annual reduction of approximately \$19,280.00 in the board's dedicated fund, based on the current number of licensed operators and the number of applications received last year.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed revisions to the fee rule are simple in nature, confer a benefit to the licensees and applicants, and were discussed in open, noticed meetings of the Board. No opposition to this proposed fee reduction is anticipated.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at 208 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 23rd day of August, 2013.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P.O. Box 83720
Boise, ID 83720-0063
Ph: 208 334-3233; Fax: 208 334-3945

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0501-1302

200. FEES FOR EXAMINATION AND LICENSURE (RULE 200).

The fees for each license type and classification shall be as follows: (3-24-05)

01. **Application Fee.** Application fee -- twenty-five dollars (\$25). (3-24-05)
02. **Examination Fee.** The examination fees shall not be greater than those fees charged by the Association of Boards of Certification (ABC) or other approved examination provider. Fees paid by applicants approved for a scheduled examination are not refundable. New examination fees are required for each scheduled additional examination. ~~(3-21-12)~~(____)
03. **Endorsement Fee.** Endorsement fee -- thirty ~~five~~ dollars (\$~~350~~). ~~(3-29-10)~~(____)
04. **Original License Fee.** Original license fee -- thirty ~~five~~ dollars (\$~~350~~). ~~(3-29-10)~~(____)
05. **Annual Renewal Fee.** Annual renewal fee -- thirty ~~five~~ dollars (\$~~350~~). ~~(3-29-10)~~(____)
06. **Reinstatement Fees.** Reinstatement fee -- twenty-five dollars (\$25). (3-24-05)
07. **Refund of Fees.** No refund of fees shall be made to any person who has paid such fees for application. (3-21-12)

(BREAK IN CONTINUITY OF SECTIONS)

315. REQUIREMENTS FOR A VERY SMALL WATER SYSTEM LICENSE (RULE 315).

To qualify for a Very Small Water System license an operator must meet the following requirements: (3-21-12)

01. **Education.** Possess a high school diploma or GED and; (3-21-12)
02. **Experience.** Document eighty-eight (88) hours of acceptable on-site operating experience at a water system; and (3-21-12)
 - a. Complete an approved six-hour water treatment course or an approved six-hour chlorination course or a combination of said approved courses equaling six (6) hours; and ~~(3-21-12)~~(____)
 - b. Complete an approved six-hour water distribution course; and (3-21-12)
03. **Examination.** Pass the relevant very small water system examination. (3-21-12)

316. -- 319. (RESERVED)

320. REQUIREMENTS FOR A VERY SMALL WASTEWATER SYSTEM LICENSE (RULE 320).

To qualify for a Very Small Wastewater System license, an operator must meet the following requirements: (3-21-12)

01. **Education.** Possess a high school diploma or GED; and (3-21-12)
02. **Experience.** Document fifty (50) hours of acceptable on-site operating experience at a wastewater collection system; and (3-21-12)
 - a. Fifty (50) hours of acceptable relevant on-site operating experience at a wastewater treatment

system or lagoon; and (3-21-12)

b. Complete an approved six-hour pumps and motors course or an approved six-hour collection course or a combination of said approved courses equaling six (6) hours; and ~~(3-21-12)~~()

c. Complete an approved six-hour lagoon operation and maintenance course; or an approved six-hour large soil absorption system course or an approved six-hour wastewater treatment course or a combination of said approved courses equaling six (6) hours; and ~~(3-21-12)~~()

03. Examination. Pass the relevant lagoon examination. (3-21-12)